

The reference, therefore, fails to teach or suggest all of the claim limitations, and claim 1 as well as its dependent claims are allowable over the cited reference.

Independent claim 41 similarly recites instructions that cause a processor to detect a change in a throttle signal from a first level to a second level. The throttle signal is operable to induce motion via a motor operating as a drive mechanism of the toy vehicle. Independent claim 62 recites detecting a binary throttle signal. The binary throttle signal is operable to induce motion using a motor operating as a drive mechanism of the toy vehicle. Independent claim 72 recites detecting an activation level of a binary throttle signal. The activation level of the binary throttle signal is operable to induce motion using a motor operating as a drive mechanism of a toy vehicle. Accordingly, claims 41, 62, and 72 and their respective dependent claims are allowable for the same reasons stated in connection with claim 1.

Claims 6, 8, 49, 51, 58, 59, and 70 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mezzatesta, Jr. et al. in view of Porter et al., U.S. Patent No. 5,056,613. The Porter et al. reference, however, fails to remedy the deficiencies of the Mezzatesta reference because, for example, there is simply no teaching or suggestion in the combination of references to detect a change in a throttle signal, as recited and defined in claim 1, and to generate a transition signal based on the change in the throttle signal, as recited and defined in claim 1.

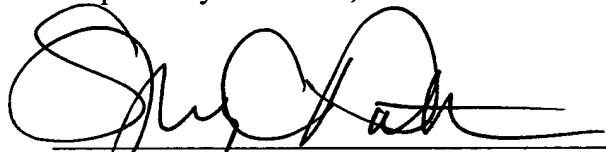
Furthermore, it is insufficient to merely assert some alleged motivation to combine the references. Instead, there must be a motivation or suggestion for one of ordinary skill in the art to combine the references in a manner that meets the claim limitations. The Office Action fails to recite any such motivation. For example, the Office Action reads "[i]t would have been obvious to one having ordinary skill in the art . . . to receive signals from an operator in physical contact with the vehicle." There is no basis, however, to equate any teaching or suggestion in the Porter reference of signals received from an operator with the speed monitoring signals taught in Mezzatesta, which are alleged to correspond to the throttle signal of the claims. Accordingly, the Porter reference fails to remedy the deficiencies of the Mezzatesta reference, and the claims are allowable over the cited art.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant believes that no fee is due at this time. Please apply any charges or credits, however, to deposit account 06-1050.

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Respectfully submitted,



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